UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,700	04/05/1999	YASUO NISHIDA	P17762	4029

7055 7590 11/05/2002

GREENBLUM & BERNSTEIN, P.L.C.
1941 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 11/05/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/285,700	Applicant(s) NISHIDA ET AL.	
	Examiner Joseph R. Pokrzywa	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) *7-11,16 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,12-15,17-19 and 21-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 April 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3 & 5-11* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the invention of Group I (claims 1-6, 12-15, 17-19, and 21-52) in Paper No. 13 is acknowledged. The traversal is on the ground(s) that Groups I and II were not shown to be distinct from each other and separately classified, as well as not being shown to have a serious burden on the examiner. This is not found persuasive because of the following reasons. The examiner notes that the invention for Group I would correctly be classified in class 358/439, as indicated in the restriction requirement of the Office action dated 8/13/02, as the subclass heading is defined as "facsimile/auxiliary signal/receiver supplies auxiliary signal (s)". Each of the claims of Group I teach of communicating a message with a receiver based on received auxiliary signals, which have capabilities of the receiver. Further, the invention of Group II does not share this feature with that of the Group I claims, as the invention of Group II teaches of transmitting self-information to a transmitter, which correctly would be classified in class 709/242, which has the heading defined as "multi-computer data transferring/computer-to-computer data routing/routing data updating". While the inventions of Groups I and II are usable together, they are distinct. As discussed in the Office action dated 8/13/02, the subcombinations of inventions I and II are distinct from each other if they are shown to be separately usable. Invention I has utility of a facsimile device which can transmit a facsimile message over a PSTN or the Internet, depending on a receivers preference, while invention II has separate utility such as an e-mail server that receives e-mail, and transmits current image processing capabilities of the server to a sending computer. Because these

inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is still proper, since it is considered a serious burden to the examiner.

Therefore, the requirement is still deemed proper and is therefore made FINAL.

2. **Claims 7-11, 16, and 20** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 13.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The references listed in the Information Disclosure Statements submitted on 8/3/99, 10/14/99, 6/15/00, 9/13/00, 3/5/01, 5/2/01, 6/21/01, and 8/22/01 have been considered by the examiner (see attached PTO-1449's).

Drawings

5. The drawings were not objected by the Official Draftsman (see attached PTO-948).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. **Claims 1-6, 12-15, 17-19, 21-52** are rejected under 35 U.S.C. 102(e) as being anticipated by Houghton *et al.* (U.S. Patent Number 6,009,153).

Regarding ***claim 1***, Houghton discloses an image communication apparatus (facsimile 5) comprising means for receiving and transmitting data on a public switched telephone network (PSTN 15, column 6, lines 55 through 60), means for transmitting an image over the Internet (Internet 30, column 3, line 46 through column 4, line 7), means for identifying receiver side information from data received by the public switched telephone communication means (column 6, line 52 through column 7, line 5), and means for selecting any one of the public switched telephone network and the Internet as a communication path through which the image is transmitted to the receiver side based on the identification result obtained by the identifying means (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Regarding ***claim 2***, Houghton discloses the apparatus discussed above in claim 1, and further teaches that the receiver side information includes information of whether or not the receiver side has a capability of receiving and transmitting the image over the Internet (column 3, line 46 through column 4, line 22, and column 9, line 35 through 56).

Regarding ***claim 3***, Houghton discloses the apparatus discussed above in claim 1, and further teaches that the public switched telephone communication means receives receiver side information during a communication control protocol (column 3, line 56 through column 4, line 62).

Regarding ***claim 4***, Houghton discloses the apparatus discussed above in claim 1, and further teaches that the public switched telephone communication means receives and transmits data on a facsimile communication protocol (column 4, lines 23 through 62).

Regarding ***claim 5***, Houghton discloses the apparatus discussed above in claim 1, and further teaches of a storing means for storing the identification result obtained by the identifying means, wherein the communication path selecting means carries out an automatic selection of the communication path based on the identification result stored in the storing means (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, column 9, lines 35 through 56, and column 10, line 64 through column 11, line 7).

Regarding ***claim 6***, Houghton discloses the apparatus discussed above in claim 1, and further teaches that the communication path selecting means changes the communication path from the public switched telephone network to the Internet when determining that the receiver side has the capability of receiving and transmitting the image over the Internet during the

communication control protocol using the public switched telephone communication means (column 3, line 46 through column 4, line 62).

Regarding ***claim 12***, Houghton discloses an image communication apparatus (facsimile 5) comprising means for receiving data including a capability on a receiver side on a public switched telephone network (PSTN 15, column 6, lines 55 through 60), means for identifying the capability from data received (column 6, line 52 through column 7, line 5), and means for transmitting an image over the Internet (Internet 30) to be suitable for the capability based on the identification result obtained by the identifying means (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Regarding ***claim 13***, Houghton discloses the apparatus discussed above in claim 12, and further teaches of converting means for converting the image to be suitable for the capability, wherein the transmitting means transmits the converted image (see Fig. 2, column 5, line 48 through column 6, line 13, and column 6, lines 47 through 65).

Regarding ***claim 14***, Houghton discloses the apparatus discussed above in claim 12, and further teaches that the converting means converts the image to be suitable for a minimum set when determining that the receiver side corresponds to only the minimum set based on the capability (column 3, line 46 through column 4, line 22).

Regarding ***claim 15***, Houghton discloses the apparatus discussed above in claim 13, and further teaches of a storing means for storing the identification result, wherein the converting means refers to the identification result stored in the storing means (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 17***, Houghton discloses an image communication apparatus (facsimile 5) comprising means for receiving data including a capability on a receiver side (column 4, lines 7 through 22, and column 6, lines 55 through 60), means for identifying the capability on the receiver side from data received (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), means for converting an image based on the identification result obtained by the identifying means (see Fig. 2, column 5, line 48 through column 6, line 13, and column 6, lines 47 through 65), and means for transmitting the image over the Internet (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Regarding ***claim 18***, Houghton discloses the apparatus discussed above in claim 17, and further teaches that the converting means converts the image to be suitable for a minimum set when determining that the receiver side corresponds to only the minimum set based on the capability on the receiver side (column 3, line 46 through column 4, line 22).

Regarding ***claim 19***, Houghton discloses the apparatus discussed above in claim 17, and further teaches of a storing means for storing the identification result, wherein the converting means refers to the identification result stored in the storing means (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 21***, Houghton discloses an image communication apparatus (facsimile 5) comprising means for carrying out a main communication for transmitting an image over the Internet after carrying out a sub-communication for receiving data including a capability on a receiver side (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), means for identifying the capability on the receiver side from data received before the main

communication after the sub-communication (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), and means for controlling the communication means such that the image is transmitted to be made suitable for the capability on he receiver side based on the identification result obtained by the identifying means (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 22***, Houghton discloses the apparatus discussed above in claim 21, and further teaches that the main communication controlling means determines that the receiver side corresponds to a capability upper than a simple mode based on the capability on the receiver side (column 3, line 46 through column 4, line 22), the main communication controlling means controls the communication means to make the image suitable for the upper capability (column 3, line 46 through column 4, line 22).

Regarding ***claim 23***, Houghton discloses the apparatus discussed above in claim 21, and further teaches of a storing means for storing the identification result wherein the main communication controlling means refers to the identification result stored in the storing means (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 24***, Houghton discloses an image communication apparatus (facsimile 5) comprising means for carrying out a main communication for transmitting an image over the Internet after carrying out a sub-communication for receiving data including a capability on a receiver side (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), means for identifying the capability on the receiver side from data received before the main

communication after the sub-communication (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), and means for storing the identification result obtained by the identifying means (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 25***, Houghton discloses the apparatus discussed above in claim 24, and further teaches of means for controlling the communication means such that the image is transmitted to be made suitable for the capability on the receiver side with reference to the identification result stored in the storing means (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 26***, Houghton discloses an image communication apparatus (facsimile 5) comprising means for receiving data including receiver side information from a receiver side (column 6, lines 47 through 65), means for identifying receiver side information received from the receiver side (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), and means for storing the identification result obtained by the identifying means (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 27***, Houghton discloses an image communication apparatus (facsimile 5) comprising means for receiving data including a mail address (column 4, lines 8 through 22, and column 6, lines 47 through 65), means for identifying the mail address on a receiver side from the received data (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), and means for transmitting an image to the identified mail address over the Internet (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Regarding ***claim 28***, Houghton discloses the apparatus discussed above in claim 27, and further teaches that the receiving means receives data during a communication control protocol (column 3, line 56 through column 4, line 62).

Regarding ***claim 29***, Houghton discloses the apparatus discussed above in claim 27, and further teaches that the receiving means receives data on a facsimile communication protocol (column 4, lines 23 through 62).

Regarding ***claim 30***, Houghton discloses the apparatus discussed above in claim 27, and further teaches of a storing means for storing the identification result, wherein the transmitting means transmits the image to the mail address stored in the storing means (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, column 9, lines 35 through 56, and column 10, line 64 through column 11, line 7).

Regarding ***claim 31***, Houghton discloses an image communication method comprising the steps of receiving data from a receiver side on a public switched telephone network (PSTN 15, column 6, lines 55 through 60), identifying receiver side information from the data (column 6, line 52 through column 7, line 5), and selecting any one of the public switched telephone network and the Internet as a communication path through which an image is transmitted to the receiver side based on the identification result obtained by the identifying step (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Regarding ***claim 32***, Houghton discloses the method discussed above in claim 31, and further teaches of the step of storing the identification result to storing means after the identifying step (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 33***, Houghton discloses the method discussed above in claim 31, and further teaches that the receiver side information includes information of whether or not the receiver side has a capability for receiving and transmitting the image over the Internet (column 5, line 48 through column 6, line 22, and column 9, lines 35 through 56).

Regarding ***claim 34***, Houghton discloses an image communication method comprising the steps of receiving data including a capability on a receiver side on a public switched telephone network (through PSTN 15, column 4, lines 8 through 22, and column 6, lines 55 through 60), identifying the capability on the receiver side from data received (column 6, line 52 through column 7, line 5), and transmitting an image over the Internet to be suitable for the capability on the receiver side based on the identification result obtained by the identifying step (column 3, line 46 through column 4, line 7, column 9, lines 35 through 56, and column 10, line 64 through column 11, line 7).

Regarding ***claim 35***, Houghton discloses the method discussed above in claim 34, and further teaches that the step of converting the image to be suitable for the capability, wherein the image converted in the converting step is transmitted in the transmitting step (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 36***, Houghton discloses the method discussed above in claim 34, and further teaches of the step of storing the identification result stored in storing means after the identifying step (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 37***, Houghton discloses an image communication method comprising the steps of receiving data including a capability on a receiver side (through PSTN 15, column 4, lines 8 through 22, and column 6, lines 55 through 60), identifying the capability on the receiver side from data received (column 6, line 52 through column 7, line 5), converting an image based on an identification result obtained by the identifying step (see Fig. 2, column 5, line 48 through column 6, line 13, and column 6, lines 47 through 65), and transmitting the converted image over the Internet (column 3, line 46 through column 4, line 7, column 9, lines 35 through 56, and column 10, line 64 through column 11, line 7).

Regarding ***claim 38***, Houghton discloses the method discussed above in claim 37, and further teaches that when the receiver side corresponds to only a minimum set based on the capability, the image is converted to be suitable for the minimum set in the converting step (column 3, line 46 through column 4, line 22).

Regarding ***claim 39***, Houghton discloses the method discussed above in claim 37, and further teaches that the step of storing the identification result stored in storing means after the identifying step, wherein the identification result stored in the storing means is referred in the converting step (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 40***, Houghton discloses an image communication method comprising the steps of performing sub-communication for receiving data including a capability on a receiver side (column 3, line 46 through column 4, line 22, column 6, lines 47 through 65, and column 9, lines 35 through 56), identifying the capability on the receiver side from data received in the sub-communication step (column 3, line 46 through column 4, line 7, and column 9, lines

35 through 56), and performing main-communication for transmitting an image over the Internet to be suitable for the capability based on the identification result obtained the identifying step (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 41***, Houghton discloses the method discussed above in claim 40, and further teaches that when it is determined that the receiver side corresponds to a capability upper than a simple mode based on the capability in the main communication step, the image is made to be suitable for the upper capability (column 3, line 46 through column 4, line 22).

Regarding ***claim 42***, Houghton discloses the method discussed above in claim 40, and further teaches that the step of storing the identification result in storing means after the identifying step, wherein the identification result stored in the storing means is referred in the converting step (see Fig. 2, column 4, lines 7 through 22, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 43***, Houghton discloses an image communication method comprising the steps of performing sub-communication for receiving data including a capability on a receiver side (column 3, line 46 through column 4, line 22, column 6, lines 47 through 65, and column 9, lines 35 through 56), identifying the capability on the receiver side from data received in the sub-communication step (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), storing an identification result obtained by the identifying step to storing means (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7), and performing main-communication for transmitting an image over the Internet after the sub-communication (see Fig. 2, column 5, line

48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 44***, Houghton discloses the method discussed above in claim 43, and further teaches that the image is made to be suitable for the capability with reference to the identification result stored in the storing means, and the image is transmitted in the main communication step (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 45***, Houghton discloses an image communication method comprising the steps of receiving data including a mail address on a receiver side (through PSTN 15, column 4, lines 8 through 22, and column 6, lines 47 through 65), identifying the mail address from the data (column 3, line 46 through column 4, line 7, column 6, line 52 through column 7, line 5, and column 9, lines 35 through 56), and transmitting an image to the mail address identified in the identifying step over the Internet (column 3, line 46 through column 4, line 7, column 9, lines 35 through 56, and column 10, line 64 through column 11, line 7).

Regarding ***claim 46***, Houghton discloses the method discussed above in claim 45, and further teaches of storing the identification result in the identifying step to storing means wherein the image is transmitted to the mail address stored in the storing means in the transmitting step (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 47***, Houghton discloses a storage medium having a program registered thereon, the program causing a computer (column 5, lines 13 through 28, and column 10, lines 50 through 63), having public switched telephone communication means for receiving and

transmitting data on a public switched telephone network and Internet transmitting means for transmitting data over the Internet (column 5, lines 48 through 65), to execute procedures for receiving data on the public switched telephone communication network by the public switched telephone communication means (PSTN 15, column 6, lines 55 through 60), identifying receiver side information from the data (column 6, line 52 through column 7, line 5), processing for selecting any one of the public switched telephone network and the Internet as a communication path through which an image is transmitted to the receiver side based on an identification result (column 5, lines 48 through 65, and column 6, lines 55 through 65), and transmitting the image through the selected communication path by the public switched telephone communication means or the Internet transmitting means (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Regarding ***claim 48***, Houghton discloses a storage medium having a program registered thereon, the program causing a computer (column 5, lines 13 through 28, and column 10, lines 50 through 63), having public switched telephone communication means for receiving and transmitting data on a public switched telephone network and Internet transmitting means for transmitting data over the Internet (column 5, lines 48 through 65), to execute procedures for receiving data including a capability on a receiver side by the public switched telephone communication means (PSTN 15, column 6, lines 55 through 60), identifying the capability on the receiver side from received data (column 6, line 52 through column 7, line 5), and transmitting an image on the Internet to be suitable for the capability on the receiver side based on the identification result by the Internet transmitting means (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Regarding ***claim 49***, Houghton discloses a storage medium having a program registered thereon, the program causing a computer (column 5, lines 13 through 28, and column 10, lines 50 through 63), having receiving means for receiving data including a capability on a receiver side and transmitting means for transmitting data to the receiver side over the Internet (column 5, lines 48 through 65), to execute procedures for receiving data including the capability by the receiving means (through PSTN 15, column 6, lines 55 through 60), identifying the capability from the data (column 6, line 52 through column 7, line 5), converting an image based on the identification result (see Fig. 2, column 5, line 48 through column 6, line 13, and column 6, lines 47 through 65), and transmitting the image to the receiver side over the Internet by the transmitting means (column 3, line 46 through column 4, line 7, column 9, lines 35 through 56, and column 10, line 64 through column 11, line 7).

Regarding ***claim 50***, Houghton discloses a storage medium having a program registered thereon, the program causing a computer (column 5, lines 13 through 28, and column 10, lines 50 through 63), having communication means for making communications with a receiver side (column 5, lines 48 through 65), to execute procedures for performing main communication for transmitting an image over the Internet after performing a sub-communication for receiving data including a capability on the receiver side (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), identifying the capability on the receiver side from data received before the main communication after the sub-communication (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), and transmitting the image to the communication means to be suitable for the capability on the receiver side based on the identification result in

the main communication (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 51***, Houghton discloses a storage medium having a program registered thereon, the program causing a computer (column 5, lines 13 through 28, and column 10, lines 50 through 63), having communication means for making communications with a receiver side and storing means (column 3, line 46 through column 4, line 22, column 6, lines 55 through 65, and column 9, lines 35 through 56), to execute procedures for performing main communication for transmitting an image over the Internet after performing a sub-communication for receiving data including a capability on the receiver side (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), identifying the capability on the receiver side from data received before the main communication after the sub-communication (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), and storing the identification resulting the storing means (see Fig. 2, column 5, line 48 through column 6, line 13, column 6, lines 47 through 65, and column 10, line 64 through column 11, line 7).

Regarding ***claim 52***, Houghton discloses a storage medium having a program registered thereon, the program causing a computer (column 5, lines 13 through 28, and column 10, lines 50 through 63), having receiving means for receiving data including a mail address on a receiver side and transmitting means for transmitting an image over the Internet (column 3, line 46 through column 4, line 22, and column 9, lines 35 through 56), to execute procedures for receiving the data by the receiving means (column 4, lines 8 through 22, and column 6, lines 47 through 65), identifying the mail address from the data (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56), and transmitting the image to the identified mail address

over the Internet by the transmitting means (column 3, line 46 through column 4, line 7, and column 9, lines 35 through 56).

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Rachelson (U.S. Patent Number 6,157,706) discloses a system enabling a facsimile machine to be an e-mail client;

Murphy (U.S. Patent Number 6,028,679) discloses an Internet facsimile system;

Freeman (U.S. Patent Number 6,020,980) discloses a system of delivering facsimile messages as e-mail;

Chang *et al.* (U.S. Patent Number 5,974,449) discloses a system of transmitting facsimile messages through the Internet;

Bashoura *et al.* (U.S. Patent Number 5,862,202) discloses a system of routing facsimile messages through the Internet.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J. R. P.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp
October 29, 2002